

VIA EXPRESS MAIL NO. EV268061683US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Donald J. Larnard, et al	Group Art Unit:	Not yet Assigned
Application No.:	Not yet Assigned	Examiner:	Not yet Assigned
Filing Date:	Not yet Assigned		
Entitled:	NEUROSURGICAL DEVICE FOR THERMAL THERAPY		
Docket No.:	22521-3CON		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08A. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The attached Form PTO/SB/08A provides a listing of information which may be relevant to the subject application. This Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

Applicants note that the subject Application relies on allowed U.S. Patent Application No. 09/971,072, filed 10/04/2001, entitled NEUROSURGICAL DEVICE FOR THERMAL THERAPY, for an earlier effective filing date under 35 U.S.C. §120, and the Information Disclosure Statements submitted in the earlier Application comply with 37 C.F.R. §1.98(a)-(c).

All references cited in this Information Disclosure Statement were previously cited in Information Disclosure Statements filed in connection with the earlier Application. As such, in accordance with 37 C.F.R. §1.98(d), no copies of patents, publications or other information are included herewith.

[X] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

[] (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)

[] (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)

[](4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

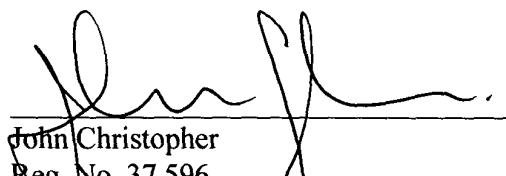
It is respectfully requested that the cited references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A be initialed and returned to us indicating that such information has been considered.

Application No.:Not yet Assigned
Filing Date: Herewith
Atty. Docket No. 22521-3CON

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

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<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>				Complete if Known	
				Application Number	Not yet Assigned
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				First Named Inventor	Donald J. Lamard, et al
				Art Unit	Not yet Assigned
				Examiner Name	Not yet Assigned
Sheet	1	of	4	Attorney Docket Number	22521-3CON
U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Number- Kind Code ² (if known)					
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		Number- Kind Code ² (if known)			
		US-6,149,677	11/21/2000	Dobak, III	
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		Country Code ³ - Number ⁴ Kind Code ⁵ (if known)			
		PCT WO 99/34758	07/15/1999		
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		RU 2100989C1	01/10/1998		X
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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				Application Number	Not yet Assigned
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				First Named Inventor	Donald J. Larnard, et al
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				Examiner Name	Not yet Assigned
Sheet	4	of	4	Attorney Docket Number	22521-3CON

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
		Fay, "Early Experiences with Local and Generalized Rerigeration of the Human Brain", Temple Fay, M.D., Pgs. 239-260			
		Perov, et al., "Design of Thermodes for Cooling Sites of Cerebral Hemisphere Cortex in Chronic Tests", Sechenov Physiology Journal of the USSR, No. 7, 1983, Methods of Physiological Investigations, 5 pgs.			
		Connolly, et al., "The protective of hypothermia in cerebral ischemia: Experimental and clinical application by selective brain cooling in the human", Dept. of Surgery, Stanford Universtiyl School of Medicine, Vol. 52, No. 1, July 1962, pgs. 15-24.			
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Examiner Signature				Date Considered	

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